

MEETINGS TO DATE 13  
NO. OF REGULARS 11  
NO. OF SPECIALS 2

LANCASTER, NEW YORK  
JUNE 4, 1973

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at Lancaster, New York, on the 4th day of June, 1973 at 8:00 P.M. and there were

PRESENT: LEO N. WEIMER, SUPERVISOR  
JOSEPH R. BARNHARDT, COUNCILMAN  
EDWARD A. BERENT, COUNCILMAN  
PETER J. BOLENDER, COUNCILMAN  
ARTEL J. METZ, COUNCILMAN

ABSENT: NONE

ALSO PRESENT: ROBERT P. THILL, TOWN CLERK  
DOMINIC J. TERRANOVA, TOWN ATTORNEY  
TIMOTHY J. DWAN, DEPUTY TOWN ATTORNEY  
EDWARD J. FERON, JR., TOWN ENGINEER  
JOHN F. LUME, HIGHWAY SUPERINTENDENT  
VICTOR H. OTT, POLICE CHIEF  
WILLIAM F. DOUGHERTY, JR., BUILDING INSPECTOR  
JOHN M. COSTELLO, ASSESSOR III

ADJOURNED PUBLIC HEARING SCHEDULED FOR 8:00 P.M.:

At 8:00 P.M. the Town Board reconvened the Public Hearing on Schmitt's Garage adjourned from the meeting of May 21, 1973, for the purpose of taking further evidence and testimony.

The Town Clerk presented a Zoning Coordination Referral from the Erie County Department of Planning wherein the Department acknowledged receipt of a Notice of this Public Hearing and commented as follows:

4. The proposed zoning action is subject to review; the Department makes the recommendation shown on Form ZR-4, Recommendation on Proposed Zoning Action, which is attached hereto.

5. No recommendation.

Based on the information received.

Comment on Proposed Zoning Action:

"Although this Division has no recommendation as far as the rezoning is concerned, it is recommended that screening be provided as required under Article XIX, paragraph 50-90. C. of the Town of Lancaster Zoning Ordinance, between this use and the nearby residences."

The Town Clerk presented these further communication relative to this Public Hearing:

1. Letter from Julius Volker to Town Clerk -  
Notification - Schmitt's Garage, Inc.  
will erect 6 foot fence.
2. Letter from Town Attorney to Building Inspector -  
Request Building Permit be approved for  
Schmitt's Garage, conditioned upon  
constructing fence as set forth in letter  
of Attorney and Code of the Town of Lancaster.

PROPOSERS:ADDRESS

Mr. Julius Volker, Attorney for  
Petitioner

1103 Liberty Bank Building  
Buffalo, New York 14202

OPPOSERS:ADDRESS

None

ON MOTION BY COUNCILMAN METZ, AND SECONDED BY COUNCILMAN BARNHARDT  
AND CARRIED, by unanimous roll call vote, the Public Hearing was closed  
at 8:05 P.M.

OFFICIAL REPORTS:

The Town Clerk reported that the following departments of the Town of Lancaster have filed with him their Monthly Reports as follows:

<u>DEPARTMENT</u>	<u>MONTH OR MONTHS OF</u>
Town Clerk	May, 1973
Zoning Inspector	April, 1973

The Town Clerk reported that the following Board of the Town of Lancaster has filed with him minutes of its meeting as follows:

Planning Board	May 16, 1973 - Meeting #9
----------------	---------------------------

COMMITTEE REPORTS:

None

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN BARNHARDT, WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
BOLENDER , TO WIT:

RESOLVED, that the Minutes of the Regular Meeting of the Town Board  
held on May 21, 1973, as presented by the Town Clerk, be and hereby are  
approved.

The question of the adoption of the foregoing resolution was duly  
put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED	YES
COUNCILMAN BERENT	VOTED	YES
COUNCILMAN BOLENDER	VOTED	YES
COUNCILMAN METZ	VOTED	YES
SUPERVISOR WEIMER	VOTED	YES

~~clerk~~  
The resolution was thereupon unanimously adopted.

June 4, 1973

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN METZ, WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
BOLENDER, TO WIT:

CAPITAL NOTE RESOLUTION OF THE TOWN OF LANCASTER,  
NEW YORK, AUTHORIZING THE PURCHASE OF A BURROUGHS  
STYLE L5000 ELECTRONIC ACCOUNTING COMPUTER, FOR  
THE USE OF TOWN DEPARTMENTS, STATING THE ESTIMATED  
MAXIMUM COST THEREOF IS \$20,200, APPROPRIATING SAID  
AMOUNT THEREFOR, INCLUDING THE APPROPRIATION OF  
\$6,700 CURRENT FUNDS AVAILABLE THEREFOR, AUTHORIZ-  
ING THE APPLICATION OF \$500 TRADE-IN VALUE OF THE  
BURROUGHS F1500 SENSIMATIC MACHINE NOW OWNED BY THE  
TOWN TOWARDS THE COST, AND AUTHORIZING THE ISSUANCE  
OF \$13,000 CAPITAL NOTES OF THE TOWN TO FINANCE THE  
BALANCE OF SAID APPROPRIATION.

RESOLVED BY THE TOWN BOARD OF THE TOWN OF LANCASTER,  
IN THE COUNTY OF ERIE, NEW YORK (by the favorable vote of not less  
than two-thirds of all the members of said Board) AS FOLLOWS:

Section 1. The Town of Lancaster (herein called "Town"), in the  
County of Erie, New York, is hereby authorized to purchase a Burroughs  
Style L5000 Electronic Accounting Computer, for the use of Town Depart-  
ments. The estimated maximum cost of said specific object or purpose, in-  
cluding preliminary costs and costs incidental thereto and the financing  
thereof, is \$20,200 and the said amount is hereby appropriated therefor,  
including \$6,700 current funds of the Town available therefor, and also in-  
cluding the amount of \$500 being the trade-in value of the Burroughs F1500  
Sensimatic machine now owned by the Town, hereby authorized to be applied  
towards the payment of said cost. The plan of financing includes the use  
of said \$6,700 current funds, the application of said \$500 trade-in value, the  
issuance of \$13,000 capital notes of the Town to finance the balance of  
said appropriation and the levy of a tax upon all the taxable real property in

the Town to pay the principal of said capital notes and the interest thereon.

Section 2. Capital notes of the Town in the principal amount of \$13,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law") to finance the balance of said appropriation.

Section 3. The following additional matters are hereby determined and stated:

(a) The period of probable usefulness of the specific object or purpose for which the capital notes authorized by this resolution are to be issued, within the limitations of §11.00 a. 52 of the Law is five (5) years, but said capital notes shall mature as hereinafter provided.

(b) Current funds are not required by the Law to be provided as a down payment prior to the issuance of the capital notes authorized by this resolution; however, current funds are available therefor in the amount of \$6,700 now on hand in 1973 unappropriated surplus funds, and the Supervisor is hereby authorized to set aside said current funds and expend same solely towards the cost of said specific object or purpose.

(c) Said capital notes may be renewed from time to time, but such notes, including the renewals thereof, shall mature not later than the last day of the second fiscal year succeeding the fiscal year in which said notes are issued; provided, that an installment of not less than fifty per centum (50%) of the principal amount of such notes shall mature in the first fiscal year succeeding the fiscal year within which said notes are issued.

Section 4. The capital notes authorized by this resolution shall contain the recital of validity prescribed by §52.00 of the Law and said capital notes shall be general obligations of the Town and the Town hereby irrevocably pledges its faith and credit to the punctual payment of the principal thereof and interest

thereon, and there shall be raised annually by tax on all the taxable real property in the Town a sum sufficient to pay the principal of and interest on said capital notes as the same shall become due and payable.

Section 5. Subject to the provisions of this resolution and of the Law, the powers and duties of the Town Board relative to prescribing the terms, form and contents and as to the sale and issuance of the capital notes herein authorized are hereby delegated to the Supervisor as the chief fiscal officer of the Town.

Section 6. The validity of the capital notes authorized by this resolution may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 7. This resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED	YES
COUNCILMAN BERENT	VOTED	YES
COUNCILMAN BOLENDER	VOTED	YES
COUNCILMAN METZ	VOTED	YES
SUPERVISOR WEIMER	VOTED	YES

x x x  
The resolution was thereupon unanimously adopted.

June 4, 1973

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN BERENT , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
METZ , TO WIT:

RESOLVED BY THE TOWN BOARD OF THE TOWN OF LANCASTER,  
IN THE COUNTY OF ERIE, NEW YORK, as follows:

Section 1. The Town Clerk is hereby directed to publish the foregoing capital note resolution, in full, in the "LANCASTER ENTERPRISE" and in the "LANCASTER-DEPEW JOURNAL," two newspapers published in Lancaster, New York, and both having a general circulation in said Town, which newspapers are hereby designated as the official newspapers of the Town for such publications, together with the Town Clerk's statutory Notice in substantially the form as prescribed by §81.00 of the Local Finance Law of the State of New York.

Section 2. This resolution shall take effect immediately.

\* \* \*

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED	YES
COUNCILMAN BERENT	VOTED	YES
COUNCILMAN BOLENDER	VOTED	YES
COUNCILMAN METZ	VOTED	YES
SUPERVISOR WEIMER	VOTED	YES

~~duly~~  
The resolution was thereupon unanimously adopted.

June 4, 1973



THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN BOLENDER, WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
BARNHARDT, TO WIT:

WHEREAS, the Supervisor of the Town of Lancaster has recommended the purchase of an updated accounting machine for use in his office in order to provide needed information at all times, and

WHEREAS, it is deemed that the purchase of such updated accounting machine would better serve the needs of Town Government and the citizens of the Town of Lancaster, and

WHEREAS, by resolution of December 2, 1963, the Town of Lancaster standardized the accounting machine equipment used in the Supervisor's Office as that manufactured by the Burroughs Corporation by reason of the unique applicability of such equipment to the work entailed in said office and for reasons of economy in repair and replacement and maintenance of said equipment,

NOW, THEREFORE, BE IT

RESOLVED, that bids be received by this Town Board on June 18, 1973, at 8:00 o'clock P.M., Eastern Daylight Time, for the purchase of one (1) new Burroughs Style L-5000 electronic accounting computer, complete with pinfeed device, budgetary accounting and payroll accounting, for use in the Office of the Supervisor of the Town of Lancaster, in accordance with specifications on file in the Town Clerk's Office, and

BE IT FURTHER

RESOLVED, that the Town Clerk be and is hereby authorized and directed to place a Notice to Bidders in the Lancaster Enterprise and the Lancaster-Depew Journal, and to post notices thereof as required by the Town Law of the State of New York, which Notice shall be in the following form:

LEGAL NOTICE  
TOWN OF LANCASTER  
NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN that sealed bids will be received by the Town Board of the Town of Lancaster, Erie County, New York, at the Town Hall, 21 Central Avenue, Lancaster, New York, up to 8:00 o'clock P.M., Eastern Daylight Time, on June 18, 1973, for furnishing to the Town of Lancaster one (1) new Burroughs Style L-5000 electronic accounting computer, complete with pinfeed device, budgetary accounting and payroll accounting, in accordance with specifications on file in the Town Clerk's Office in the Town Hall, 21 Central Avenue, Lancaster, New York.

A check in the amount of Two Hundred Dollars (\$200.00), payable to the Supervisor of the Town of Lancaster, must accompany each bid.

The Town Board reserves the right to reject any or all bids and to waive any informalities.

TOWN BOARD OF THE  
TOWN OF LANCASTER

By: ROBERT P. THILL  
Town Clerk

Dated: June 4, 1973

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED YES
COUNCILMAN BERENT	VOTED YES
COUNCILMAN BOLENDER	VOTED YES
COUNCILMAN METZ	VOTED YES
SUPERVISOR WEIMER	VOTED YES

~~and~~

The resolution was thereupon unanimously adopted.

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN BARNHARDT, WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
METZ, TO WIT:

WHEREAS, a public hearing was held on the 21st day of May, 1973, for the purpose of amending the Zoning Ordinance and Zoning Map of the Town of Lancaster, and

WHEREAS, a Notice of said public hearing has been duly published and posted, and

WHEREAS, the Planning Board of the Town of Lancaster and the Planning Consultant have recommended the rezone of the hereinafter described parcel of real property, and

WHEREAS, in accordance with Section 239 (m) of the General Municipal Law of the State of New York, the Erie County Department of Planning has reviewed such application for rezone and made its recommendation with respect thereto,

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Ordinance and Zoning Map of the Town of Lancaster is hereby amended and changed so that the real property hereinafter described is changed from a C1, Local Retail Business District, and an R1, Single Family Residence District, to a C2, General Commercial District:

ALL THAT TRACT OR PARCEL OF LAND, being part of Lot Seven (7) and Nine (9), Section Twelve (12), Township Eleven (11) and Range Six (6) of the Holland Land Company's Survey, and described as follows:

BEGINNING at a point in the south line of Genesee Street at the northwest corner of Subdivision Lot Six (6) as shown on Map Cover 1306; thence northeasterly along the south line of Genesee Street One Hundred Ninety-four and Sixty-five Hundredths (194.65) feet to a point; thence easterly along the south line of Stutzman Road Two Hundred Forty-four and Forty-two Hundredths (244.42) feet to a point; thence southerly along the west line of lands now or formerly owned by Thomas Suchy One Hundred Ninety-eight and Forty-two Hundredths (198.42) feet to the southwest corner of said Thomas Suchy's land; thence east along the south line of Thomas Suchy's land One Hundred Thirty-three and Ninety-eight Hundredths (133.98) feet to a point in the west line of David Scott's land; thence south along said west line One and Seventeen Hundredths (1.17) feet; thence east along the south line of said David Scott's land Twenty-four and Fifty-nine Hundredths (24.59) feet to the north-

west corner of lands owned by J. Glasser; thence south Two Hundred Ninety-four and Sixteen Hundredths (294.16) feet to a point at the southwest corner of lands of Isaac Coyer; thence west at a right angle Four Hundred Nine (409) feet to a point in the east line of lands of Mildred Conrad; thence north One Hundred Thirty-six and Eighty-eight Hundredths (136.88) feet to a point; thence west at a right angle One Hundred Twenty-six and Seventy-eight Hundredths (126.78) feet to a point One Hundred Eighty (180) feet east of the east line of East Home Road; thence north at a right angle One Hundred (100) feet and thence west at a right angle sixty (60) feet and thence north along the west line of Subdivision Lot Six (6), One Hundred Eighty-three and Ninety-three Hundredths (183.93) feet to the point of beginning,

and

BE IT FURTHER

RESOLVED, as follows:

1. That said Ordinance Amendment be added in the minutes of the meeting of the Town Board of the Town of Lancaster held on the 4th day of June, 1973, and
2. That a certified copy thereof be published in the Lancaster Enterprise and the Lancaster-Depew Journal on or before June 7, 1973, and
3. That affidavits of publication be filed with the Town Clerk, and
4. That a certified copy of this resolution be furnished to the Erie County Department of Planning.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED	YES
COUNCILMAN BERENT	VOTED	YES
COUNCILMAN BOLENDER	VOTED	YES
COUNCILMAN METZ	VOTED	YES
SUPERVISOR WEIMER	VOTED	YES

xduky  
The resolution was thereupon unanimously adopted.

June 4, 1973

LEGAL NOTICE  
NOTICE OF ADOPTION  
AMENDMENT TO ZONING ORDINANCE  
TOWN OF LANCASTER

The Zoning Ordinance of the Town of Lancaster hereby is amended and the Zoning Map of the said Town is hereby changed so that the real property hereinafter described is changed from a C1, Local Retail Business District, and an R1, Single Family Residence District, to a C2, General Commercial District:

ALL THAT TRACT OR PARCEL OF LAND, being part of Lot Seven (7) and Nine (9), Section Twelve (12), Township Eleven (11) and Range Six (6) of the Holland Land Company's Survey, and described as follows:

BEGINNING at a point in the south line of Genesee Street at the northwest corner of Subdivision Lot Six (6) as shown on Map Cover 1306; thence northeasterly along the south line of Genesee Street One Hundred Ninety-four and Sixty-five Hundredths (194.65) feet to a point; thence easterly along the south line of Stutzman Road Two Hundred Forty-four and Forty-two Hundredths (244.42) feet to a point; thence southerly along the west line of lands now or formerly owned by Thomas Suchy One Hundred Ninety-eight and Forty-two Hundredths (198.42) feet to the southwest corner of said Thomas Suchy's land; thence east along the south line of Thomas Suchy's land One Hundred Thirty-three and Ninety-eight Hundredths (133.98) feet to a point in the west line of David Scott's land; thence south along said west line One and Seventeen Hundredths (1.17) feet; thence east along the south line of said David Scott's land Twenty-four and Fifty-nine Hundredths (24.59) feet to the northwest corner of lands owned by J. Glasser; thence south Two Hundred Ninety-four and Sixteen Hundredths (294.16) feet to a point at the southwest corner of lands of Isaac Coyer; thence west at a right angle Four Hundred Nine (409) feet to a point in the east line of lands of Mildred Conrad; thence north One Hundred Thirty-six and Eighty-eight Hundredths (136.88) feet to a point; thence west at a right angle One Hundred Twenty-six and Seventy-eight Hundredths (126.78) feet to a point One Hundred Eighty (180) feet east of the east line of East Home Road; thence north at a right angle One Hundred (100) feet and thence west at a right angle Sixty (60) feet and thence north along the west line of Subdivision Lot Six (6), One Hundred Eighty-three and Ninety-three Hundredths (183.93) feet to the point of beginning.

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN BARNHARDT , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
BERENT , TO WIT:

WHEREAS, by letter of May 30, 1973, Arlene T. Mertzlufft, 2nd Deputy Town Clerk of the Town of Lancaster, has submitted her resignation from said position by reason of her appointment to the permanent position of Clerk-Typist in the Police Department of the Town of Lancaster,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby accepts the resignation of Arlene T. Mertzlufft as 2nd Deputy Town Clerk effective June 5, 1973, and extends its sincere appreciation for her cooperation during her tenure as 2nd Deputy Town Clerk.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT VOTED YES

COUNCILMAN BERENT VOTED YES

COUNCILMAN BOLENDER VOTED YES

COUNCILMAN METZ VOTED YES

SUPERVISOR WEIMER VOTED YES

clerk

The resolution was thereupon unanimously adopted.

June 4, 1973

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN BERENT , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
METZ , TO WIT:

WHEREAS, a vacancy exists in the office of 2nd Deputy Town Clerk of the Town of Lancaster by reason of the resignation of Arlene T. Mertzlufft, and

WHEREAS, by letter of May 30, 1973, the Town Clerk has advised the Town Board of the Town of Lancaster of his appointment of Mrs. Betty Lou Keicher to fill the position of 2nd Deputy Town Clerk,

NOW, THEREFORE, BE IT

RESOLVED, that the appointment of Betty Lou Keicher, 28 Newell Avenue, Lancaster, New York, as 2nd Deputy Town Clerk in the Office of the Town Clerk be and hereby is acknowledged, effective June 11, 1973, at an annual salary of \$5,400.00, and

BE IT FURTHER

RESOLVED, the the 2nd Deputy Town Clerk shall have all the powers and duties of the Town Clerk, not inconsistent with Law.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED	YES
COUNCILMAN BERENT	VOTED	YES
COUNCILMAN BOLENDER	VOTED	YES
COUNCILMAN METZ	VOTED	YES
SUPERVISOR WEIMER	VOTED	YES

The resolution was thereupon <sup>duly</sup> unanimously adopted.

June 4, 1973

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN BOLENDER , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
BERENT , TO WIT:

WHEREAS, by resolution of the Town Board of the Town of Lancaster,  
the appointment of a 2nd Deputy Town Clerk by the Town Clerk was acknowledged,  
and

WHEREAS, by letter of May 30th, 1973, the Town Clerk has advised the  
Town Board of his realignment of duties and responsibilities of the Deputy Town  
Clerks in his office and requested a salary increment for the 3rd Deputy Town  
Clerk because of her assumption of increased responsibility,

NOW, THEREFORE, BE IT

RESOLVED, that the salary of Stella Wielkiewicz, 3rd Deputy Town Clerk,  
be and hereby is increased to \$5,502.00 per year, effective June 5, 1973.

The question of the adoption of the foregoing resolution was duly  
put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED	YES
COUNCILMAN BERENT	VOTED	YES
COUNCILMAN BOLENDER	VOTED	YES
COUNCILMAN METZ	VOTED	YES
SUPERVISOR WEIMER	VOTED	YES

The resolution was thereupon <sup>duky</sup>unanimously adopted.

June 4, 1973



THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN BARNHARDT , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
BOLENDER , TO WIT:

WHEREAS, by resolution of May 21, 1973, the Town Board of the Town of Lancaster created the position of Clerk-Typist in the Police Department of the Town of Lancaster, and

WHEREAS, by certified list dated May 29, 1973, the Personnel Officer of the County of Erie has informed the Supervisor of the Town of Lancaster of the respective standings of eligible candidates for the position of Clerk-Typist, permanent appointment, and

WHEREAS, the Police Chief has recommended, and the Police Committee concurs in said recommendation, that Arlene T. Mertzlufft be appointed to said Clerk-Typist position,

NOW, THEREFORE, BE IT

RESOLVED, that Arlene T. Mertzlufft, 29 Irwinwood Road, Lancaster, New York, be and hereby is appointed to said permanent position of Clerk-Typist in the Police Department of the Town of Lancaster, effective June 5, 1973, at the annual salary of \$5,512.50.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED	YES
COUNCILMAN BERENT	VOTED	YES
COUNCILMAN BOLENDER	VOTED	YES
COUNCILMAN METZ	VOTED	YES
SUPERVISOR WEIMER	VOTED	YES

~~xxxx~~  
The resolution was thereupon unanimously adopted.

June 4, 1973

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN BOLENDER , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
METZ , TO WIT:

WHEREAS, the Town Historian, by letter dated May 29, 1973, has  
requested authorization to attend a Seminar on American Culture at Cooperstown,  
New York, to be held July 1 to July 7, 1973,

NOW, THEREFORE, BE IT

RESOLVED, that Edward J. Mikula, Town Historian, be and hereby is  
authorized to attend the Seminar on American Culture at Cooperstown, New York,  
July 1st to 7th, 1973, with reimbursement for actual and necessary expenses  
not to exceed \$225.00.

The question of the adoption of the foregoing resolution was duly  
put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED	YES
COUNCILMAN BERENT	VOTED	YES
COUNCILMAN BOLENDER	VOTED	YES
COUNCILMAN METZ	VOTED	YES
SUPERVISOR WEIMER	VOTED	YES

~~duky~~  
The resolution was thereupon unanimously adopted.

June 4, 1973

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN BERENT , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
BARNHARDT , TO WIT:

WHEREAS, the Chief of Police of the Town of Lancaster has recommended  
the appointment of an additional individual to the Reserve Volunteer Ambulance  
Corps,

NOW, THEREFORE, BE IT

RESOLVED, that John P. Hajduk III, 472 Terrace Boulevard, Depew, New  
York, be and hereby is appointed to the Reserve Volunteer Ambulance Corps of  
the Town of Lancaster, at an annual salary of \$1.00, and

BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is authorized and  
directed to take whatever action is necessary with the United Stated Fidelity  
& Guaranty Company to provide Workmen's Compensation Insurance to cover the  
foregoing member of the Town of Lancaster Reserve Volunteer Ambulance Corps.

The question of the adoption of the foregoing resolution was duly  
put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED	YES
COUNCILMAN BERENT	VOTED	YES
COUNCILMAN BOLENDER	VOTED	YES
COUNCILMAN METZ	VOTED	YES
SUPERVISOR WEIMER	VOTED	YES

~~study~~  
The resolution was thereupon unanimously adopted.

June 4, 1973

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN BARNHARDT, WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
METZ, TO WIT:

WHEREAS, Josela Enterprises, Inc., 4085 Broadway, Depew, New York, has petitioned the Town Board of the Town of Lancaster for the provisional rezone of certain property situate on the east side of Transit Road in the Town of Lancaster from an RC, Residence Restricted Business District, and an R1, Single Family Residence District, to a C1, Local Retail Business District, and an R2, General Residence District, in accordance with the provisions of Chapter 50-126 of the Code of the Town of Lancaster entitled "Provisional Amendments" and in accordance with a certain development plan filed with the Town Clerk of the Town of Lancaster, and

WHEREAS, this petition has been referred to the Planning Board of the Town of Lancaster for its recommendation and report,

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Sections 130 and 265 of the Town Law of the State of New York, a public hearing on the proposed rezone will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 18th day of June, 1973, at 8:15 o'clock P.M., Eastern Daylight Time, and that Notice of the time and place of such hearing be published in the Lancaster Enterprise and the Lancaster-Depew Journal, newspapers of general circulation in said Town, and be posted on the Town Bulletin Board; and that copy of such Notice of Hearing be referred to the Erie County Department of Planning and to the Town Clerk of the Town of Cheektowaga, New York, at least ten days prior to the date of such public hearing, pursuant to Section 239 (m) of the General Municipal Law, which Notice shall be in the following form:

LEGAL NOTICE  
PUBLIC HEARING  
TOWN OF LANCASTER

LEGAL NOTICE IS HEREBY GIVEN that pursuant to the Town Law of the State of New York and pursuant to a resolution of the Town Board of the Town of Lancaster adopted on the 4th day of June, 1973, the said Town Board will hold a Public Hearing on the 18th day of June, 1973, at 8:15 o'clock P.M., Eastern Daylight Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon the following proposed amendment to the Zoning Ordinance and Zoning Map of the Town of Lancaster, provisionally rezoning the following described real property from an RC, Residence-Restricted Business District, to a C1, Local Retail Business District, in accordance with the provisions of Chapter 50-126 of the Code of the Town of Lancaster entitled "Provisional Amendments" and in accordance with a certain development plan filed with the Town Clerk of the Town of Lancaster:

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Lancaster, County of Erie and State of New York, being the middle part of Lot Number ninety-six (96), Township ten (10), Range six (6) of the Indian Reservation Lands, as laid down on the maps of said Indian Reservation, and more particularly known and distinguished as Subdivision Lot Number five (5) of said Lot Number ninety-six (96), as laid out and subdivided by Tobias Witmer, Surveyor, bounded and described as follows:

BEGINNING at a point on the west line of said lot Number 96, being on the Transit Line between Range 6 and Range 7 of the Holland Land Company's Survey, said Transit line being the centerline of Transit Road (a 66 foot wide right of way) and being 2345.00 feet from the point of intersection of the center line of Transit Road and the center line of William (a 3 Rod Road); thence easterly a distance of 350 feet to a point; thence southerly on a line parallel with the centerline of Transit Road, 309.20 feet to a point; running thence westerly along a line parallel with the north line of Lot 96, a distance of 350 feet to the centerline of Transit Road; running thence northerly along the centerline of Transit Road 309.20 feet to the point of beginning,

and also provisionally rezoning the following described real property from an R1, Single Family Residence District, to an R2, General Residence District, in accordance with the provisions of Chapter 50-126 of the Code of the Town of Lancaster entitled "Provisional Amendments" and in accordance with a certain development plan filed with the Town Clerk of the Town of Lancaster:

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Lancaster, County of Erie and State of New York, being the middle part of Lot Number ninety-six (96), Township ten (10), Range six (6) of the Indian Reservation Lands, as laid down on the maps of said Indian Reservation, and more particularly known and distinguished as Subdivision Lot Number five (5) of said Lot Number ninety-six (96), as laid out and subdivided by Tobias Witmer, Surveyor, bounded and described as follows:

BEGINNING at a point on a line parallel with the centerline of William Street and 2245 feet southerly therefrom distant 350 feet from the centerline of Transit Road; running thence easterly along said line a distance of 2274.54 feet to a point on the east line of Lot 96; running thence southerly along said line 409.20 feet to a point; thence westerly a distance to a point 350 feet easterly from the centerline of Transit Road; running thence northerly parallel with the centerline of Transit Road a distance to the point of beginning.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

TOWN BOARD OF THE  
TOWN OF LANCASTER

By: ROBERT P. THILL  
Town Clerk

Dated: June 4, 1973

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT VOTED YES

COUNCILMAN BERENT VOTED YES

COUNCILMAN BOLENDER VOTED YES

COUNCILMAN METZ VOTED YES

SUPERVISOR WEIMER VOTED YES

~~and~~

The resolution was thereupon unanimously adopted.

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN BERENT , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
BARNHARDT , TO WIT:

WHEREAS, a Police Patrol car of the Town of Lancaster sustained damage in an auto accident on March 29, 1973 and the collision insurance company of the Town of Lancaster has tendered a check in the sum of \$1,602.22 in payment of this loss over and above collision deductible,

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor of the Town of Lancaster be and is hereby authorized to accept the sum of \$1,602.22 from United States Fidelity & Guaranty Company in settlement of the collision loss to the Town of Lancaster Police Car on March 29, 1973, such sum representing the entire collision loss to the Town Police Car less the \$100.00 deductible as specified in the insurance contract, and

BE IT FURTHER

RESOLVED, that the Supervisor be and is hereby authorized and directed to execute a Subrogation Release transferring the rights of recovery under this loss to the United States Fidelity & Guaranty Company.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED	YES
COUNCILMAN BERENT	VOTED	YES
COUNCILMAN BOLENDER	VOTED	YES
COUNCILMAN METZ	VOTED	YES
SUPERVISOR WEIMER	VOTED	YES

The resolution was thereupon unanimously adopted.

June 4, 1973

THE FOLLOWING RESOLUTION WAS OFFERED BY  
COUNCILMAN METZ, WHO MOVED ITS  
ADOPTION, SECONDED BY COUNCILMAN  
BOLENDER , TO WIT:

RESOLVED, that the following Audited Claims be and are hereby ordered  
paid from their respective accounts:

<u>ACCOUNT</u>	<u>ORDER NUMBER</u>	<u>TOTAL AMOUNT</u>
General Funds	No. 5624 to 5667 Incl.	\$ 115,114.96
Special District Funds	No. 1233 to 1236 Incl.	14,523.59
Part Town Funds	No. 1476 to 1478 Incl.	539.99
Highway Funds	No. 3050 to 3058 Incl.	6,991.56
Trust & Agency Funds	No. 471 to 472 Incl.	19,080.00
Federal Revenue Sharing	No. 8 to 8 Incl.	5,286.21

The question of the adoption of the foregoing resolution was duly put  
to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED	YES
COUNCILMAN BERENT	VOTED	YES
COUNCILMAN BOLENDER	VOTED	YES
COUNCILMAN METZ	VOTED	YES
SUPERVISOR WEIMER	VOTED	YES

~~and~~  
The resolution was thereupon unanimously adopted.

June 4, 1973



THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN BARNHARDT , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
METZ , TO WIT:

WHEREAS, the Planning Consultants and the Planning Board of the Town of Lancaster have recommended the rezone of certain property situate on the east side of Transit Road 2345 feet south of the point of Intersection of Transit Road and the centerline of William Street to the south line of the existing C1, Local Retail Business District, as presently shown on the Zoning Map of the Town of Lancaster, from an RC, Residence Restricted Business District, to a C1, Local Retail Business District,

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Sections 130 and 265 of the Town Law of the State of New York, a public hearing on the proposed rezone will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 18th day of June, 1973, at 8:30 o'clock P.M., Eastern Daylight Time, and that Notice of the time and place of such hearing be published in the Lancaster Enterprise and the Lancaster-Depew Journal, newspapers of general circulation in said Town, and be posted on the Town Bulletin Board; and that copy of such Notice of Hearing be referred to the Erie County Department of Planning and to the Town Clerk of the Town of Cheektowaga, New York, at least ten days prior to the date of such public hearing, pursuant to Section 239 (m) of the General Municipal Law, which Notice shall be in the following form:

LEGAL NOTICE  
PUBLIC HEARING  
TOWN OF LANCASTER

LEGAL NOTICE IS HEREBY GIVEN that pursuant to the Town Law of the State of New York and pursuant to a resolution of the Town Board of the Town of Lancaster adopted on the 4th day of June, 1973, the said Town Board will hold a Public Hearing on the 18th day of June, 1973, at 8:30 o'clock P.M., Eastern Daylight Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon the following proposed amendment to the Zoning Ordinance and Zoning Map of the Town of Lancaster, rezoning the following described real property from an RC, Residence Restricted Business District, to a C1, Local Retail Business District:

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Lancaster, County of Erie and State of New York, being the middle part of Lot Number ninety-six (96), Township ten (10), Range six (6) of the Indian Reservation Lands, as laid down on the maps of said Indian Reservation, and more particularly known and distinguished as Subdivision Lot Number five (5) of said Lot Number ninety-six (96), as laid out and subdivided by Tobias Witmer, Surveyor, bounded and described as follows:

BEGINNING at a point on the west line of said lot Number 96, being on the Transit Line between Range 6 and Range 7 of the Holland Land Company's Survey, said Transit line being the centerline of Transit Road (a 66 foot wide right of way) and being 2345.00 feet from the point of intersection of the center line of Transit Road and the center line of William Street (a 3 Rod Road); thence easterly a distance of 350 feet to a point; thence easterly on a line parallel with the centerline of William Street 350 feet to a point; running thence northeily on a line parallel with the centerline of Transit Road a distance to the existing C1, Local Retail Business District, as shown on the Zoning Map of the Town of Lancaster; running thence westerly along said C1, Local Retail Business District, 350 feet to the centerline of Transit Road; running thence southerly a distance to the point of beginning.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

TOWN BOARD OF THE  
TOWN OF LANCASTER

By: ROBERT P. THILL  
Town Clerk

Dated: June 4, 1973

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED	YES
COUNCILMAN BERENT	VOTED	YES
COUNCILMAN BOLENDER	VOTED	YES
COUNCILMAN METZ	VOTED	YES
SUPERVISOR WEIMER	VOTED	YES

<sup>study</sup>  
The resolution was thereupon unanimously adopted.

June 4, 1973

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN BARNHARDT , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
BERENT , TO WIT:

WHEREAS, Erie County Sewer District No. 4 includes the westerly two-thirds of the Town of Lancaster, and

WHEREAS, Erie County Sewer District No. 4 is proposing to construct Sewer Trunks as shown on the Waste Water Facilities Report WPC-NY-390 (Trunk A, Trunk C(L) and the combination of Trunks Cayuga-Aurora and D2), and

WHEREAS, in the final construction drawings, these Trunks are referred to as Contracts 1, 3 and 6, and

WHEREAS, without the construction of lateral sewers these Trunks would be dry and therefore ineligible for aid,

NOW, THEREFORE, BE IT

RESOLVED, that the Town of Lancaster authorizes their Engineers to study the requirements of these areas and to prepare plans and specifications for the construction of these laterals, and

BE IT FURTHER

RESOLVED, that the Town Board of the Town of Lancaster will authorize the construction of these laterals to coincide with the construction of Erie County Sewer District No. 4, Contracts 1, 3 and 6.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED	YES
COUNCILMAN BERENT	VOTED	YES
COUNCILMAN BOLENDER	VOTED	YES
COUNCILMAN METZ	VOTED	YES
SUPERVISOR WEIMER	VOTED	YES

~~study~~  
The resolution was thereupon unanimously adopted.

June 4, 1973

THE FOLLOWING RESOLUTION WAS OFFERED BY  
COUNCILMAN METZ, WHO MOVED ITS  
ADOPTION, SECONDED BY COUNCILMAN  
BOLENDER, TO WIT:

RESOLVED, that the following Building Permit Applications be and are  
hereby approved and the issuance of Building Permits be and are hereby  
authorized:

<u>NO.</u>	<u>NAME</u>	<u>ADDRESS</u>	<u>STRUCTURE</u>
52	Martin Bartel	23 Parkdale	EX. FR. BR. ALUM. PORCH
53	Anthony J. Costanzo	2665 Wehrle Drive	ER. DEM. FR. PVT. GAR. PATIO & CAR PORT
54	David Lechner	3893 Walden Avenue	EX. DEM. FR. BR. CON. BLK. SING. DWLG.
55	Warwick Lumber Co.	282 Erie Street	ER. FR. PVT. GAR.
56	Anthony Gregorio	3646 Bowen Road	ER. FR. SING. DWLG. PVT. GAR.
57	W. J. Walter	10 Impala Parkway	ER. FR. ABOVE GROUND POOL
58	Matthew Pluta (Walkowiak Dev. Corp.)	518 Lake Avenue	ER. FR. BR. SING. DWLG. PVT. GAR..
59	John Troidl	530 Harris Hill Rd.	DEM. FR. CABIN
60	Alfred Nowakowski	564 Aurora St.	DEM. ER. CONC. BLK. PVT. GAR.

The question of the adoption of the foregoing resolution was duly put  
to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED	YES
COUNCILMAN BERENT	VOTED	YES
COUNCILMAN BOLENDER	VOTED	YES
COUNCILMAN METZ	VOTED	YES
SUPERVISOR WEIMER	VOTED	YES

~~and~~

The resolution was thereupon unanimously adopted.

June 4, 1973

STATUS REPORTS ON UNFINISHED BUSINESS:1. Traffic Study - Walden Avenue

On March 12, 1973 the New York State Department of Transportation indicated that the necessary speed checks for this study were being taken during the week of February 26th and that a report will be forthcoming.

2. Rezone Petition - Ralph Figlow - Aurora Street

On October 16, 1972, after a Public Hearing, this matter was referred back to the Planning Board for review and report to the Town Board.

3. Cayuga Creek Flood Program

On May 11, 1973 the Army Corps of Engineers notified the Town Board that they had completed their field inspection and that they are preparing a report which is scheduled to be completed by September, 1973.

4. Tax Abatement - Police Services - County Sheriff's Department

On December 13, 1972 Legislator Wnek indicated to the Town Board that this matter is before the Police and Safety Committee which he is Chairman of, and he will keep the Town Board advised on the progress of this matter.

On April 3, 1973, upon direction of the Town Board, the Town Clerk requested a Status Report on this matter from Legislator Wnek,

5. Legislation - Payment to Recreation Commission Members

The Supervisor reported that this legislation did not pass the current session of the Legislature.

The Town Clerk was directed to remove this item from the future agendas of the Town Board.

6. Railroad Crossings - Improved Safety

On May 23, 1973 the New York State Department of Transportation acknowledged receipt of the Town Board's resolution of March 20, 1973 and advised that the locations will be inspected and the Town Board will be advised of the results.

7. Rezone Petition - Schmitt's Garage - Genesee Street

On June 4, 1973 the Town Board granted this rezone.

The Town Clerk was directed to remove this item from the future agendas of the Town Board.

The Town Clerk was directed to add the following items to the future agendas of the Town Board:

"Rezone Petition - Josela Enterprises, Inc."

"Map Change - Transit Road South of William Street"

COMMUNICATIONS:DISPOSITION

270. Town Clerk to Town Board - Notification - Directives complied with from meeting of May 21, 1973.	R & F
271. Julius Volker to Town Clerk - Notification - Schmitt's Garage, Inc. will erect 6 foot fence.	Rezone File
272. Erie & Niagara Counties Regional Planning Board to Supervisor - Re: Solicitation of Local Comments on a Federally-Aided Program or Project - RPB-WRC-WRP-1. New York State Department of Environmental Conservation - Statewide Comprehensive Water Resource Planning Program.	Planning Committee
273. Department of Army to Supervisor - Report on problem of Cayuga Creek in vicinity of Ransom Road to be completed by September, 1973.	R & F
274. State of New York Commission on Cable Television to Supervisor - Notice of Publication of Bulletin starting May 11, 1973.	Councilman Barnhardt
275. County Executive Regan to Supervisor - Notification - Publishing of Erie County Water Pollution Abatement Newsletter.	Sec. Envir. Cons. Comm. Councilman Barnhardt
276. State Transportation Department to Town Clerk - Notification - Inspection of grade crossings as per resolution of March 20, 1973 to be done in near future.	R & F
277. Cheektowaga Town Clerk to Town Clerk - Transmittal - Legal Notice of Public Hearing on June 1, 1973 at 1:30 P.M. for rezone petition of William T. Stoeckert for property located at 5100 Transit Road.	Planning Board Sec.
278. Town Historian to Town Board - Request authorization to attend Seminar on American Culture at Cooperstown, New York from July 1 to July 7, 1973.	R & F
279. Chief Ott to Town Board - Request confirmation of John P. Hajduk, III to Reserve Volunteer Ambulance Corps.	R & F
280. Chief Ott to Town Board - Request appointment of Arlene Mertzlufft to position of Clerk Typist in Police Department of Town of Lancaster.	R & F
281. Arlene Mertzlufft to Town Clerk - Resignation as Deputy Town Clerk of the Town of Lancaster.	R & F
282. Cheektowaga Town Clerk to Town Clerk - Notification - Hearing regarding rezoning of 5100 Transit Road to be rescheduled.	Planning Board Sec.

COMMUNICATIONS:DISPOSITION

283. County Public Works Dept. to Supervisor -  
Re: Request quarterly report concerning  
any and all activities related to  
elimination of inflow and infiltration  
from Sanitary Sewers in Town of Lancaster.
284. Town Clerk to Town Board -  
Re: Vacancy and filling of a vacancy in  
office of Deputy Town Clerk, Town of  
Lancaster.
285. Erie & Niagara Counties Regional Planning  
Board to Town Board -  
Environmental assessment hearing regarding  
sanitary sewage treatment program.
286. State Board of Equalization and Assessment  
to Supervisor -  
Transmittal - Tentative special franchise  
assessments for 1973.
287. Chief Ott to Town Board -  
Request acceptance of Subrogation Receipt  
for auto accident of March 29, 1973.
288. Hillview Baptist Church to Town Board -  
Request authorization to make sewer  
connection in Town of Lancaster.
289. County Executive to Supervisor -  
Information Conference to be held  
June 9, 1973 by County.
290. Town Attorney to Building Inspector -  
Request Building Permit be approved for  
Schmitt's Garage, conditioned upon  
constructing fence as set forth in letter  
of Attorney and Code of the Town of  
Lancaster.
291. Theodore C. Brunea to Town Clerk -  
Request - Written confirmation - C2  
zoning lines on east side of Transit  
Road.
292. Highway Supt. to Town Board -  
Transmittal - Specifications for 1973 or  
1974 Cab and Chassis Truck complete with  
Dump Body and Plow.
293. Supervisor to Lancaster Village Board -  
Re: Proposed participation in installing  
an additional culvert under Erie-  
Lackawanna Railroad right-of-way in  
vicinity of Erie Street.
294. Secretary, Town Planning Board to Town  
Clerk -  
Recommendation - Approval for provisional  
rezone to C1 of Josella Enterprises of  
350 feet from centerline of Transit Road  
and R2 of balance of property.
295. Secretary, Town Planning Board to Town  
Clerk -  
Recommendation - Extension of C1 zone  
from northerly boundary of Josella Rezone.

Engineers

Town Attorney

Sewer Committee

R &amp; F

R &amp; F

R &amp; F

R &amp; F

Town Attorney

Sewer Committee

R &amp; F

Rezone File

Tryon and Schwartz

Highway Committee

R &amp; F

Rezone File

Rezone File

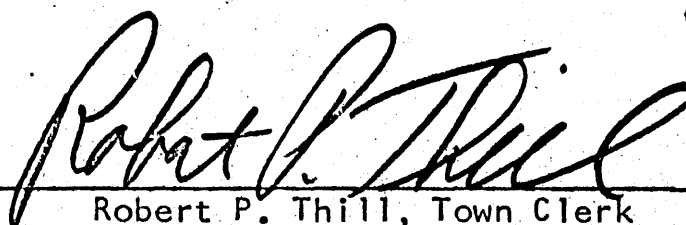


ADJOURNMENT:

ON MOTION OF COUNCILMAN BERENT, AND SECONDED BY THE ENTIRE TOWN BOARD AND CARRIED, the meeting was adjourned at 8:45 P.M. out of respect to:

DOROTHY KROL

Signed

  
Robert P. Thill, Town Clerk